

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
VALERIE RUBENSTEIN, individually and on behalf : No. 08-CV-4843  
of all others similarly situated,

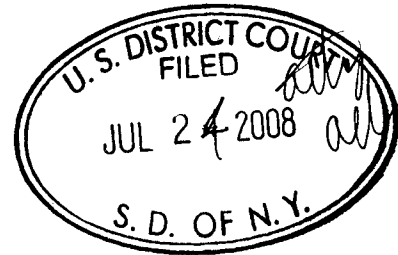
Plaintiff,

v.

DEPARTMENT STORES NATIONAL BANK,

Defendant.  
----- X

**NOTICE OF MOTION TO  
APPEAR PRO HAC VICE**



106659-657701  
JUL 24 2008

Defendant Department Stores National Bank, by its counsel Stroock & Stroock & Lavan LLP, pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York will move this Court before the Honorable Laura T. Swain at the Courthouse located at 500 Pearl Street, New York, NY 10007 for an Order granting permission to Lisa M. Simonetti, a member in good standing of the Bar of the State of California, to participate in these proceedings. This motion is made on submission. The attached declaration of Anton F. Mikel and the exhibits thereto provide further support for this motion. A proposed order is attached hereto.

Dated: July 23, 2008  
New York, New York

STROOCK & STROOCK & LAVAN LLP

A handwritten signature in black ink, appearing to be "Anton F. Mikel".

Anton F. Mikel

180 Maiden Lane  
New York, New York 10038  
(212) 806-5400  
*Attorneys for Defendant*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- X  
VALERIE RUBENSTEIN, individually and on behalf : **No. 08-CV-4843**  
of all others similarly situated, :  
 : **DECLARATION OF ANTON F.**  
 : **MIKEL IN SUPPORT OF MOTION**  
 : **TO APPEAR PRO HAC VICE**  
 :  
Plaintiff, :  
 :  
v. :  
 :  
DEPARTMENT STORES NATIONAL BANK, :  
 :  
 :  
Defendant. :  
 :  
----- X

**ANTON F. MIKEL**, declares under the penalty of perjury that the foregoing is true and correct:

1. I am an attorney duly admitted to practice in the courts of the State of New York and in this Court, and am an associate of Stroock & Stroock & Lavan LLP, counsel for defendant Department Stores National Bank ("DSNB"). I submit this declaration in support of the motion to admit Lisa M. Simonetti ("Ms. Simonetti") to appear pro hac vice in this action on behalf of DSNB.

2. Ms. Simonetti practices law at the law firm of Stroock & Stroock & Lavan LLP, 2029 Century Park East, Los Angeles, CA 90067-3086 and is a member in good standing of the Bar of the State of California. Ms. Simonetti's Declaration in support of this Motion is annexed hereto as Exhibit A, and her Certificate of Good Standing is annexed hereto as Exhibit B. The proposed order is annexed hereto as Exhibit C.

3. I respectfully request that the Court grant this motion and permit Ms. Simonetti to practice before this Court pro hac vice as counsel for DSNB in these proceedings.

Dated: July 23 2008  
New York, New York

Respectfully submitted,

  
Anton F. Mikel

STROOCK & STROOCK & LAVAN LLP  
180 Maiden Lane  
New York, New York 10038  
(212) 806-5400  
*Attorneys for Defendant*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

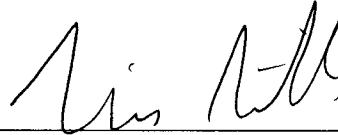
----- X  
VALERIE RUBENSTEIN, individually and on behalf : **No. 08-CV-4843**  
of all others similarly situated, :  
 : **AFFIRMATION OF LISA M.**  
 : **SIMONETTI IN SUPPORT OF**  
 : **MOTION TO APPEAR**  
 : **PRO HAC VICE**  
 :  
Plaintiff, :  
 :  
v. :  
 :  
DEPARTMENT STORES NATIONAL BANK, :  
 :  
 :  
Defendant. :  
 :  
----- X

LISA M. SIMONETTI, under penalty of perjury, declares as follows:

1. I am a member of the law firm of Stroock & Stroock & Lavan LLP.
2. I submit this affidavit in support of my motion for admission to practice pro hac vice in the above captioned matter.
3. As shown in the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of California.
4. There are no pending disciplinary proceedings against me in any State or Federal Court.
5. Wherefore I respectfully submit that I be permitted to appear as counsel and advocate pro hac vice in this one case.

6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: Los Angeles, California  
July 21, 2008

A handwritten signature in black ink, appearing to read "Lisa M. Simonetti", written over a horizontal line.

Lisa M. Simonetti

STROOCK & STROOCK & LAVAN LLP  
2029 Century Park East  
Los Angeles, California 90067  
Tel: (310) 556-5800  
Fax: (310) 556-5959



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

July 8, 2008

## TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, LISA MARIE SIMONETTI, #165996 was admitted to the practice of law in this state by the Supreme Court of California on November 23, 1993; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert", is written over a horizontal line.

Kath Lambert  
Custodian of Membership Records

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
VALERIE RUBENSTEIN, individually and on behalf : **No. 08-CV-4843**  
of all others similarly situated, :  
 : **ORDER**  
 :  
Plaintiff, :  
 :  
v. :  
 :  
DEPARTMENT STORES NATIONAL BANK, :  
 :  
Defendant. :  
 :  
----- X

Upon the annexed Declaration of Anton F. Mikel, Esq. and the exhibits attached thereto,  
it is hereby:

ORDERED that Lisa M. Simonetti is granted leave to appear pro hac vice in the above  
action as counsel for defendant Department Stores National Bank.

Dated: July \_\_, 2008  
New York, New York

\_\_\_\_\_  
United States District Judge

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- X  
VALERIE RUBENSTEIN, individually and on behalf :  
of all others similarly situated, :  
:  
Plaintiff, : **No. 08-CV-4843**  
:  
v. :  
:  
DEPARTMENT STORES NATIONAL BANK, :  
:  
Defendant. :  
:  
----- X

**CERTIFICATE OF SERVICE**

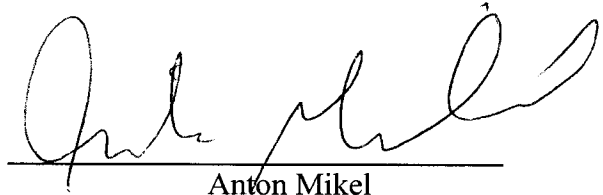
I, Anton Mikel, hereby certify that on July 24, 2008, I caused a true and correct copy of Defendant Department Stores National Bank's Notice of Motion to Appear Pro Hac Vice and supporting documents for attorney Lisa M. Simonetti to be served by first class mail upon:

Brian L. Bromberg, Esq.  
Bromberg Law Office, P.C.  
40 Exchange Place, Suite 2010  
New York, NY 10005

and,

Harley J. Schnall, Esq.  
711 West End Ave  
New York, NY 10025

Dated: New York, New York  
July 24, 2008

  
Anton Mikel